

Message

From: Mugdan.Walter@epamail.epa.gov [Mugdan.Walter@epamail.epa.gov]
Sent: 12/12/2010 4:17:35 PM
To: Sussman.Bob@epamail.epa.gov; Feldt.Lisa@epamail.epa.gov; Woolford.James@epamail.epa.gov; Southerland.Elizabeth@epamail.epa.gov; McCabe.Catherine@epamail.epa.gov; Gilberg.Elliott@epamail.epa.gov; Brian Donohue [BDonohue@ENRD.USDOJ.GOV]; Peter Kautsky [PKautsky@ENRD.USDOJ.GOV]; Enck.Judith@epamail.epa.gov; George Pavlou [Pavlou.George@epa.gov]; Garbarini.Doug@epamail.epa.gov; David King [king.david@epa.gov]; Eric Schaaf [schaaf.eric@epa.gov]; Paul Simon [simon.paul@epa.gov]; Seth_Oster/DC/USEPA/US%EPA@aa.ad.epa.gov; Brendan_Gilfillan/DC/USEPA/US%EPA@aa.ad.epa.gov
BCC: Mugdan.Walter@epamail.epa.gov
Subject: Re: Update from GE Discussion on Dec. 12 AM

I'll let you know if/when I hear anything further from our end or from GE.

Ex. 5 Deliberative Process (DP)

Finally, I have told my team to assume that the decision will be issue in the latter part of Tuesday. I believe we can hit that mark and do not need to extend any further. Our technical discussions with GE have gone about as far as they can go. We understand all of each others' numbers, and agree on all but one. That one appears to be due not to a factual or arithmetic disagreement, but rather to a methodological one.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sent by EPA Wireless E-Mail Services

From: Bob Sussman

Sent: 12/12/2010 10:33 AM EST

To: Walter Mugdan; Lisa Feldt; James Woolford; Elizabeth Southerland; Catherine McCabe; Elliott Gilberg; "BDonohue" <BDonohue@ENRD.USDOJ.GOV>; "PKautsky" <PKautsky@ENRD.USDOJ.GOV>; Judith Enck; "Pavlou George" <Pavlou.George@epa.gov>; Doug Garbarini; "king david" <king.david@epa.gov>; "schaaf eric" <schaaf.eric@epa.gov>; "simon paul" <simon.paul@epa.gov>; Seth Oster; Brendan Gilfillan

Subject: Re: Update from GE Discussion on Dec. 12 AM

Very consistent with my discussion with Brackett. (See my e-mail). Since I am talking to him again later, further feedback from your team on the difference in methodology would be helpful.

Ex. 5 Deliberative Process (DP)

From: Walter Mugdan

Sent: 12/12/2010 10:09 AM EST

To: Bob Sussman; Lisa Feldt; James Woolford; Elizabeth Southerland; Catherine McCabe; Elliott Gilberg; BDonohue@ENRD.USDOJ.GOV; PKautsky@ENRD.USDOJ.GOV; Judith Enck; Pavlou.George@epa.gov; Doug Garbarini; king.david@epa.gov; schaaf.eric@epa.gov; simon.paul@epa.gov

Subject: Update from GE Discussion on Dec. 12 AM

We just got off a call with GE.

We understand now why and how GE came up with such a different number for "acres capped in Non-Bedrock/Clay areas" from the one we came up.

Ex. 5 Deliberative Process (DP)

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On the fundamental question about the values of X and Y, I had yesterday posed essentially question to GE: "Which of the following two possibilities do you dislike less -- 10/4 or 11/3?"

Ann today did not answer the question in the way I had posed it. Instead, she said she understood that the value of Y is particularly important to the State, Trustees and NGOs, and she confirmed that GE is particularly concerned about the value of X. She therefore proposed 12/3 -- that is, X = 12% of 440 acres, and Y = 3% of 440 acres.

Ex. 5 Deliberative Process (DP)

On other issues, we are very close on resuspension; we communicated a revised EPA position which is very close to GE's proposal. GE will get back to us later today in response.

Ex. 5 Deliberative Process (DP)

- Walter